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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,709	11/30/2001	John D. Zimmerman	US010626	9526

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER	
O'STEEN, DAVID R	
ART UNIT	**PAPER NUMBER**
2623	

DATE MAILED: 07/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/015,709	ZIMMERMAN ET AL.	
	Examiner	Art Unit	
	David R. O'Steen	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 April 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6, 8-19, and 21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6,8-19 and 21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *30 November 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Note to Applicant

1. Art Units 2611, 2614 and 2617 have changed to 2623. Please make all future correspondence indicate the new designation 2623.

Response to Arguments

2. Applicant's arguments with respect to claims 1-6, 8-19, and 21 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 1, 3-4, 6, 8, 10-14, 16-17, 19, and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Brown (US 6,973,663).

As regards Claims 1, 12-14, and 16 Brown discloses an apparatus, system, and method for obtaining for a user a recommendation for a media program and one or more rationale for that recommendation for a media program, said program having attributes (cols 1 and 2, lines 53-67 and 1-4), said apparatus comprising: a memory for

storing computer readable code (fig. 3.74, and col. 7, lines 40-42); and a processor operatively couple to said memory (fig. 3.74), said configured to; a means for obtaining a consumption history of past media programs selected by said user (col. 13, lines 37-40 and 53-55); a means for generating an explicit profile for said user comprises collecting data of program attributes for said past media program selections (col. 13, lines 55-59); a means for rationalizing the recommendation of at least one selected media program by analyzing said data in the explicit profile and attributes of the recommended media programs (cols. 11 and 16, lines 39-57 and 22-43); and a means for communicating said recommendation and said rationale to the user wherein the communication for said rationale to the user is performed in a conversational tone (such as displayed as an English sentence on the display, fig. 11).

As regards Claims 3 and 16, Brown discloses that the means for rationalizing comprises a means for obtaining attributes of new programs (col. 11, lines 4-20).

As regards Claims 4 and 17, Brown discloses a means of scoring correlations of said new programs of past media program selections with attributes of said new programs (fig. 7, and col. 11, lines 39-57).

As regards Claims 6 and 19, Brown discloses that the rationale for said recommendation is a justification that is readily understood to the user (such as an English language sentence, figs. 11 and 12).

As regards Claims 8 and 21, Brown discloses that the means for rationalizing said recommendation comprises identifying program attributes relating to human to

human relationships of the creators of the programs' content (such as an director, Ron Howard, directing a movie, Apollo 13, fig. 9A).

As regards Claim 10, Brown discloses that the means for said recommendation comprises: identifying new program attributes relating to one or more characters (such as the roles played by actors in a movie) contained in the received programs' content (col. 10, lines 41-51).

As regards Claim 11, Brown discloses that past media program comprises one or more of the following media types: television programs, movies, music, or print media (col. 13, lines 53-59).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 2 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown (US 6,973,663) in view of Ellis (US 6,898,762).

As regards Claims 2 and 15, Brown discloses the apparatus and method of Claim 1 but fails to disclose the means for generating an explicit profile further comprises obtaining information provided by the user. Ellis discloses the means for generating an explicit profile further comprises obtaining information provided by the user (figs. 13a-13f and col. 14, lines 29-37).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine the explicit profile generation of Ellis, an analogous art, with the recommendation apparatus and method of Brown to provide a better program recommendation system to the user.

Claims 5 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown (US 6,973,663) in view of Lawlor (US 5,758,259).

As regards Claims 5 and 18, Brown discloses the apparatus and method of Claims 4 and 17 as well as user selectable weighting of the program attributes (if the user is able to select a cutoff point for similarity search finding, col. 11, lines 61-64 as well as the programs' attributes that it was to user as a comparison template, col. 13, lines 40-44 then it would have been obvious to a person of ordinary skill in the art to allow the user to tailor the weighting of program attributes) but fails to disclose that the means for scoring comprises utilizing program attributes of most recent past media program selections and program attributes of most frequently occurring past media program selections. Lawlor discloses that the means for scoring comprises utilizing program attributes of most recent past media program selections (by discarding older programs, col. 8, lines 38-44) and program attributes of most frequently occurring past media program selections (by tracking such things as episodes of series watched, col. 7, lines 33-35).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to add the attribute weighting system of Lawlor to the program

recommendation system of Brown so the recommendation system can provide the user with more accurate and up-to-date suggestions.

Claims 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brown (US 6,973,663).

As regards Claim 9, Brown discloses the apparatus of Claim 8. Brown also discloses characterizing information for both past programs and perspective programs includes program descriptors, credit information, keywords and phrases in the description of the program (col. 10, lines 41-51) which would encompass information including human to human relationships comprising collaborative efforts of actors, directors, writers, producers, musical bands, singers, musicians, and other creators of the programs' content. It would have been obvious to a person of ordinary skill in the art to use the human-to-human relationships embodied in the characterization information of Brown to provide better recommendations to the users.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David R. O'Steen whose telephone number is 571-272-7931. The examiner can normally be reached on 8:30 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DRO

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